

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

*

UNITED STATES OF AMERICA

*

v.

*

Crim. No. RWT-10-0029

MARCUS HERMAN MORRIS

*

* * * * *

MOTION TO SUPPRESS STATEMENTS

The defendant, Marcus Herman Morris, through counsel, James Wyda, Federal Public Defender for the District of Maryland, and Julie L.B. Johnson, Assistant Federal Public Defender, hereby respectfully moves this Honorable Court, pursuant to Rule 12(b)(3) of the Federal Rules of Criminal Procedure, to suppress any and all statements, admissions and confessions allegedly given by the defendant, whether oral, written or otherwise recorded, which the government proposes to use as evidence against the defendant at trial, and in support of the motion alleges as follows:

1. The defendant, Marcus Herman Morris, has been charged in a one-count indictment with possession of a firearm and ammunition after having been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of 18 U.S.C. § 922(g)(1). On June 9, 2010, the defendant was arraigned and entered a plea of not guilty to the count alleged in the indictment.

2. Discovery and information provided by the government indicates that Mr. Morris was questioned by one or more law enforcement officers subsequent to his arrest on September 10, 2009 by Prince George's County law enforcement agents.

3. Any alleged statements were potentially obtained in violation of the Fifth and Sixth Amendments to the United States Constitution, and in violation of the Supreme Court's decision in *Miranda v. Arizona*, 384 U.S. 436 (1966).¹

4. Mr. Morris is entitled to a hearing regarding the voluntariness of any statements, admissions, or confessions attributed to him in accordance with the provisions of Title 18 U.S.C. §3501 and the principles set forth in the case of *United States v. Inman*, 352 F.2d 954 (4th Cir. 1965).

WHEREFORE, the defendant moves that all statements, admissions and confessions which the government proposes to use as evidence against him, whether oral, written or otherwise recorded, be suppressed.

Respectfully submitted,

JAMES WYDA
Federal Public Defender

/s/ _____
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¹ In *Dickerson v. United States*, 530 U.S. 428 (2000), the Supreme Court affirmed *Miranda*, and held 18 U.S.C. § 3501 is unconstitutional insofar as it overruled *Miranda*. We assume that the procedures specified in § 3501 to determine voluntariness of a statement that are not in conflict with *Miranda* survive.

MEMORANDUM OF POINTS AND AUTHORITIES

1. Fifth Amendment to the United States Constitution
2. Sixth Amendment to the United States Constitution
3. *Miranda v. Arizona*, 384 U.S. 436 (1966).
4. *United States v. Inman*, 352 F.2d 954 (4th Cir. 1965).
5. *Dickerson v. United States*, 530 U.S. 428 (2000).

REQUEST FOR HEARING

Pursuant to Rule 105.6 of the Local Rules of the United States District Court for the District of Maryland, a hearing is requested on the defendant's Motion to Suppress Statements.

/s/

JULIE L. B. JOHNSON

Assistant Federal Public Defender